

1 **WAGANAKISING ODAWAK STATUTE**
2 **MIN-A-MSKIKI GUMIK, INC.**
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6 **SECTION I. PURPOSE AND TITLE**
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8 The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-
9 government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of
10 this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter
11 of incorporation for economic purpose, to provide for the management of the Non-Gaming
12 Commercial Enterprises and to delegate such management to a Tribally chartered corporation in
13 accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in
14 accordance with Article VII (D) (4).
15

16 The Tribe and its various programs, agencies, enterprises and corporations rely on a variety of
17 funding sources and programs for the provision of health services and health assurance to Tribal
18 Citizens, descendants and to employees. The Tribal Council has determined that such resources
19 could be maximized and utilized more efficiently if organized and operated through a single
20 enterprise, wholly owned by the Tribe. The Tribal Council has further determined that it would
21 be in the best interest of the Tribe to organize and operate such programs through an
22 independent, dedicated and freestanding Tribal corporation, organized and chartered pursuant to
23 Tribal law.
24
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26 **SECTION II. DEFINITIONS**
27

28 **A.** *“MIN-A-MSKIKI GUMIK, Inc” means the health clinic, dental health, optical health,*
29 *contract health, health department, substance abuse or mental health including all their*
30 *subsidiaries and related services located in the territorial jurisdiction of the Tribe.*
31

32 **B.** *“Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” for this*
33 *particular statute means areas referenced in Public Law 103-324, 25 USC Section 1300k-*

1 2(b)(2)(A) as the boundaries of the reservation for the Little Traverse Bay Bands as set out in
2 Article I, paragraphs 'third and fourth' of the Treaty of 1855, 11 Stat.621 as well as the twenty-
3 seven (27) county service area as defined by the BIA.

4
5 **F.** "Tribe" or "LTBB" means the Little Traverse Bay Bands of Odawa Indians.

6
7 **G.** "Tribal Constitution" means the Little Traverse Bay Bands of Odawa Indians
8 Constitution as adopted by its membership on February 2, 2005.

9
10 **H.** "Tribe Council" means the elected body of nine Tribal Citizens of Little Traverse Bay
11 Bands of Odawa Indians with duties found in the Tribal Constitution Article VII; Tribal Council.

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14 **SECTION III. CREATION OF MIN-A-MSKIKI GUMIK, INC. CORPORATE**
15 **CHARTER**

16
17 This Ordinance is enacted for the purpose of authorizing, ratifying and adopting the
18 Articles of Incorporation for the MIN-A-MSKIKI GUMIK, Inc. and for formally establishing the
19 MIN-A-MSKIKI GUMIK, Inc. as an independent, wholly owned tribally chartered corporation.
20 The MIN-A-MSKIKI GUMIK, Inc. is being chartered to establish, implement, operate and
21 manage a self-funded health assurance enterprise for the Tribe, Tribal Citizens, descendants and
22 employees of Tribal enterprises, agencies, corporations and departments, and for the purpose of
23 maximizing the effective and efficient use of health insurance and other funding for the benefit
24 of the MIN-A-MSKIKI GUMIK'S participants.

25
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27 **SECTION IV. SCOPE OF ACTIVITIES**

28
29 **A.** The MIN-A-MSKIKI GUMIK, Inc. is authorized to conduct the following enterprise
30 activities:

31
32 **1.** All and any health related activities

33
34 **2.** Pharmaceutical and associated therapeutic activities.

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3. Enter into contracts with Indian Health Services (IHS)
4. Be the health related grant oversight authority.
- 5.
6. Other activities as may be authorized from time to time by amendments to this Statute.

B. The MIN-A-MSKIKI GUMIK, Inc. shall be assigned those assets as existed and are currently within the possession of the MIN-A-MSKIKI GUMIK, Inc. including real property, tangible and intangible properties. Such assets shall be held by the MIN-A-MSKIKI GUMIK, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be independently managed by the MIN-A-MSKIKI GUMIK, Inc.

SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION

A. The day-to-day activities of the MIN-A-MSKIKI GUMIK, Inc. shall be managed cooperatively by the Health Director and Physician Medical Director or such designees, hired by MIN-A-MSKIKI GUMIK, Inc.

B. The day-to-day financial activities of the MIN-A-MSKIKI GUMIK, Inc. shall be managed by its own Chief Financial Officer or such designee, hired by the MIN-A-MSKIKI GUMIK, Inc.

C. The legal services of the MIN-A-MSKIKI GUMIK, Inc. shall be provided by Enjinaaknegeng, or such other attorneys as approved by Tribal Council.

1 **D.** The MIN-A-MSKIKI GUMIK, Inc. Board shall have sole authority and responsibility for
2 managing the MIN-A-MSKIKI GUMIK, Inc., through its staff, in accordance with the policies,
3 internal controls, Statutes, Resolutions, regulations as approved by Tribal Council.

4
5 **E.** The MIN-A-MSKIKI GUMIK, Inc. shall abide by all federal laws and regulation as may
6 be applicable.

7
8 **F.** It is the duty of the MIN-A-MSKIKI GUMIK, Inc. Board to monitor activities and
9 operations to provide guidance to the management of the operations.

10
11 **G.** It is the duty of the MIN-A-MSKIKI GUMIK, Inc. Board to protect assets of the Tribe
12 and generate revenues to support Tribal health services and programs.

13
14 **H.** It is the duty of the MIN-A-MSKIKI GUMIK, Inc. to maintain and increase the health
15 standards of all its participants.

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18 **SECTION VI. MIN-A-MSKIKI GUMIK, Inc. BOARD**

19
20 **The Board shall:**

21
22 **A.** Represent the LTBB Tribal government in meeting with the United States Indian Health
23 Service, Department of Health and Human Services, as required, regarding Indian healthcare
24 policy, funding concerns, policy discussions, as well as any healthcare or health service
25 provision issues specific to LTBB;

26
27 **B.** Review and make recommendations to the branches of the LTBB Tribal government
28 regarding healthcare service-related programs available to the LTBB Tribal Citizens,
29 descendants and employees;

30
31 **C.** Review and monitor progress of programs and services performed by MIN-A-MSKIKI
32 GUMIK, Inc. under contract with any branch of the federal government, when those programs
33 and services involve provision of healthcare related services or when the contract is directly with
34 the United States Department of Health and Human Services Indian Health Service;

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2 **D.** Review programs and services performed by MIN-A-MSKIKI GUMIK annually in
3 accordance with the goals and priorities identified by the Board;
4

5 **E.** Assist in developing a health assurance plan, strategic plan, financial plan, business and
6 marketing plan, as well as reviewing, updating and approving operational policies and/or
7 procedures.
8

9 **F.** Sign and uphold a Confidentiality Statement in relation to duties as board members;
10

11 **G.** Perform projects assigned by Tribal Council pursuant to duly enacted laws and
12 ordinances of LTBB.
13

14 **Composition of the Board:**
15

16 **A.** The Board is comprised of 7 members initially appointed by Tribal Council, four of
17 which will be LTBB Tribal Citizens and two of which will be the Health Director and Physician
18 Medical Director; The Board shall fill any future opening on the Board within 60 days of an
19 opening;
20

21 **B.** Board members serve terms of 4 years, staggered, with three Board members serving
22 initial terms of two years.
23

24 **D.** Board shall select a Chairperson every year after new board members are appointed,
25 confirmed, and seated.
26

27 **E.** Removal of members for absenteeism. The Board shall declare a vacancy on the Board
28 of any member for excessive absenteeism, which shall include failure to attend three (3)
29 consecutive meetings.
30

31 **F.** Board members shall be compensated for Board meeting attendance based on
32 availability of funds as approved in the Boards By-Laws.
33

1 **Requirements and Qualifications of Board Members:**

2
3 Prior to appointment to serve, the Board shall verify that any candidate for appointment
4 meets the following criteria:

- 5
- 6 • High School Diploma or equivalency;
 - 7
 - 8 • Four (4) years of healthcare related education or;
 - 9
 - 10 • Eight (8) years of relevant work experience;
 - 11
 - 12 • At least twenty-five (25) years of age;
 - 13
 - 14 • Shall be cleared by virtue of a background investigation and shall be determined
15 to have a conflict of interest with the functions of the Board if found to have ever
16 been convicted of a felony.

17 .
18 **Technical Assistance:**

19
20 **A.** Staff from the MIN-A-MSKIKI GUMIK shall assist in organization, facilitation of board
21 meetings, provision of basic office supplies, collection and distribution of board meeting records
22 and work products, and drafting and distribution of meeting minutes.

23
24 **B.** The Board Chairperson may delegate administrative tasks to MIN-A-MSKIKI GUMIK
25 staff, provided that any such delegation is approved in writing, signed and dated by the Health
26 Director and/or the Physician Medical Director.

27
28 **C.** Board may utilize expert advice as available from outside agencies and entities.

29
30 **D.** Meetings - the Board shall meet no less frequently than monthly. Meetings shall take
31 place in a location agreed to by the majority of Board members. The Board Chairperson shall
32 notify and confirm notification of all Board members at least five (5) business days in advance of
33 any

1 regular meeting and an agenda shall be sent with notice if possible.

2
3 **E.** Preparation of Minutes - Minutes will be distributed or sent by the Board Chairperson to
4 Board members no later than thirty (30) days after a Board meeting. Minutes shall be reviewed,
5 amended as necessary, and duly approved at the next regularly scheduled Board meeting
6

7 **REPORTING TO TRIBAL COUNCIL**

8

9 **A.** The MIN-A-MSKIKI GUMIK, Inc. Board shall report to the Tribal Council on the
10 following information regarding the MIN-A-MSKIKI GUMIK, Inc. on a quarterly basis at a
11 scheduled Tribal Council meeting or such special meetings as requested by the Tribal Council:
12

- 13 1. Annual operating plan;
- 14
- 15 2. Financial performance measures;
- 16
- 17 3. Audits, whether internal or external;
- 18
- 19 4. Financial records, statements and contracts;
- 20
- 21 5. Tribal Council may request reports regarding all aspects of MIN-A-MSKIKI
22 GUMIK, INC.
23
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25 **SECTION VII. FINANCING OF THE MIN-A-MSKIKI GUMIK, INC.**

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27 **A.** The initial budget for the MIN-A-MSKIKI GUMIK, Inc. shall be as approved by Tribal
28 Council in accordance with the Budget Formulation Statute or such other approval process as
29 designated by the Tribal Council.
30

31 **B.** Tribal Council shall approve all requests for financing activities of the MIN-A-MSKIKI
32 GUMIK, Inc. Financing activities as used in this Statute means purchases, remodeling,
33 construction, and other activities that require the utilization of loan documents, letters of credit,

1 and other banking and non-banking activities which require borrowing funds. The MIN-A-
2 MSKIKI GUMIK, Inc. is not authorized to enter into financing approval without prior
3 ratification by the Tribal Council.
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6 **SECTION VIII. SAVING CLAUSE**

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8 In the event that any phrase, provision, part, paragraph, subsection or section of this
9 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
10 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
11 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
12 statute, the entirety of the balance of the statute to remain in full and binding force and effect.
13
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15 **SECTION IX. EFFECTIVE DATE**

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17 Effective upon signature of the Executive or thirty (30) days from Tribal Council
18 approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal
19 Council override of the veto.